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HUMAN RIGHTS QUESTIONS

Excerpt from the report of the Commission on Human Rights on its fifty-seventh session for consideration by the Economic and Social Council at its resumed organizational session for 2001*

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* The final edited report of the Commission on Human Rights on its fifty-seventh session will be issued as *Official Records of the Economic and Social Council, 2001, Supplement No. 3*. The numbering of the draft decisions reproduced in section I hereafter is provisional, and the texts of the narrative account of the proceedings, reproduced in section III hereafter, are as adopted *ad referendum* by the Commission.

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I. DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

1. The situation of human rights in parts of South-Eastern Europe

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/12 of 18 April 2001, approves the decision of the Commission:

(*a*) To request the Chairperson of the Commission to appoint for one year a special representative of the Commission with a mandate to examine the situation of human rights in the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia; in reporting on the human rights situation in Kosovo, the Special Representative should:

(i) Consult closely with the international civilian presence, particularly representatives of the Organization for Security and Cooperation in Europe;

(ii) Closely monitor the situation, paying particular attention to those areas that remain a source of concern, including cooperation with the International Criminal Tribunal for the Former Yugoslavia, the release of unjustly detained prisoners, including Kosovar Albanians, the identification of persons missing as a result of conflict, the protection of minorities, trafficking in persons and the right of return of refugees and internally displaced persons;

(iii) Cooperate closely with the United Nations High Commissioner for Human Rights offices in Belgrade and Sarajevo and with her Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia to avoid duplication of effort;

(*b*) To request the Special Representative to submit an interim report on his/her findings to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session.

[See sect. II, resolution 2001/12, and chap. IX.]

2. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/30 of 20 April 2001, endorses the Commission's decision to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, *inter alia*, of the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the Covenant, and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the Covenant.

[See sect. II, resolution 2001/30, and chap. X.]

3. Question of enforced or involuntary disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/46 of 23 April 2001, endorses the decision of the Commission:

(*a*) To renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances;

(*b*) To request the Chairperson of the fifty-seventh session of the Commission, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal

instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4 /Sub.2/1998/19, annex) - transmitted by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 1998/25 of 26 August 1998 - and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission at its fifty-eighth session and to the working group established under paragraph 12 of Commission resolution 2001/46 at its first session;

(*c*) To establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, *inter alia*, the draft international convention on the protection of all persons from enforced disappearance - transmitted by the Sub-Commission in its resolution 1998/25 - for consideration and adoption by the General Assembly.

[See sect. II, resolution 2001/46, and chap. XI.]

4. Human rights and indigenous issues

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/57 of 24 April 2001, endorses the decision of the Commission:

(*a*) To appoint, for a three-year period, a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with the following functions:

(i) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people themselves and their communities and organizations, on violations of their human rights and fundamental freedoms;

(ii) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(iii) To work in close relation with other special rapporteurs, special representatives, working groups and independent experts of the Commission and of the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the request of the Commission contained in its resolution 1993/30 of 5 March 1993;

(*b*) To invite the Special Rapporteur:

(i) To take into account a gender perspective while carrying out her/his mandate, paying special attention to discrimination against indigenous women;

(ii) To pay special attention to violations of the human rights and fundamental freedoms of indigenous children;

(iii) To take into account, in carrying out his/her task, all the recommendations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and of the Permanent Forum on Indigenous Issues relevant to her/his mandate;

(iv) To consider, in performing his/her work, the recommendations of the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his/her mandate;

(*c*) To request the Chairperson of the Commission, following formal consultations with the Bureau and the regional groups through the regional coordinators, to appoint as Special Rapporteur an individual of recognized international standing and experience;

(*d*) To request the Special Rapporteur to submit annual reports on his/her activities to the Commission, starting at its fifty-eighth session;

(*e*) To request the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of her/his mandate.

[See sect. II, resolution 2001/57, and chap. XV.]

II. RESOLUTIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SEVENTH SESSION

2001/12. The situation of human rights in parts of South-Eastern Europe

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention relating to the Status of Refugees and its Protocol, the Convention on the Prevention and Punishment of the Crime of Genocide, the Guiding Principles on Internal Displacement, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe, the Helsinki Final Act, and accepted humanitarian rules, as set out in the Geneva Conventions, of 12 August 1949, for the protection of victims of war,

Recalling all relevant resolutions on this subject, in particular its resolution 2000/26 of 18 April 2000, General Assembly resolution 55/113 of 4 December 2000, as well as all Security Council resolutions and statements,

Expressing its full support for and encouraging efforts towards the full implementation of commitments contained in the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively called the "Peace Agreement") which, *inter alia*, committed the parties in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect fully human rights and, in particular, the right of return of refugees and internally displaced persons and to provide information through the tracing mechanisms of the International Committee of the Red Cross on all persons unaccounted for,

Welcoming the progress achieved on human rights and democratic principles in Croatia and encouraging Croatian authorities to continue to undertake special efforts in the field of implementing the return and accommodation of internally displaced persons and minority refugees, including by establishing a legal framework and mechanism for property restitution,

1. *Notes* new opportunities for democratic forces and non-governmental organizations to work effectively, and strongly supports their efforts to promote and protect human rights and fundamental freedoms, and strengthen civil society, and notes in this regard the opportunities afforded by the Stability Pact for South-Eastern Europe;

2. *Also notes* the importance of respect for the human rights of all persons belonging to minorities;

3. *Welcomes* all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other parts of the United Nations system, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Union Monitoring Mission, the International Committee of the Red Cross, Governments and intergovernmental and non-governmental organizations in the area;

4. *Recalls* Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999 and the general principles annexed thereto, takes note of Council resolution 1345 (2001) of 21 March 2001, and General Assembly resolution 55/113 of 4 December 2000, and recalls previous relevant Assembly resolutions, the statement made on 24 March 1998 by the Chairman of the Commission at its fifty-fourth session, Commission resolutions 1998/79 of 22 April 1998, 1999/2 of 13 April 1999 and 2000/26 of 18 April 2000 and the report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on the situation of human rights in Kosovo (Federal Republic of Yugoslavia) of 27 September 1999;

5. *Notes* that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that additional efforts are required in several areas;

6. *Stresses* the crucial role of respect for human rights and fundamental freedoms in the successful implementation of the Peace Agreement and underlines the obligations of all parties under the Peace Agreement to act in accordance with international human rights law, international humanitarian law and refugee law, and to secure for all persons within their jurisdiction the highest level of protection for human rights and fundamental freedoms, including civil and political rights;

7. *Encourages* the international community to continue providing voluntary contributions to meet the region's pressing human rights and humanitarian needs;

8. *Stresses* the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and dignity;

9. *Condemns* all trafficking in persons, including women and children, and calls upon all authorities in the region, in cooperation with international authorities, to protect the human rights of the victims and to take all steps necessary to prevent and eliminate trafficking in order to combat actively this criminal practice;

10. *Urges* all States and parties to the Peace Agreement to meet their obligations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal all those indicted persons present in their territories or under their control;

11. *Urges* all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that victims and witnesses testifying against persons indicted by the Tribunal are given adequate protection;

12. *Reiterates its call* upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and fundamental freedoms and effective, functioning democratic institutions will be central elements in developing civilian structures consistent with the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions;

13. *Encourages* all States and parties in the region to provide information through the tracing mechanisms of the International Committee of the Red Cross on all persons unaccounted for, and to cooperate fully with the International Committee in its efforts to determine their identities, whereabouts and fate;

14. *Welcomes* the establishment of the Missing Persons Institute on 15 August 2000 in Sarajevo by the International Commission on Missing Persons and supports the programmes put in place to resolve the continuing problem of missing persons;

15. *Notes* some progress by Bosnia and Herzegovina in implementation of the Peace Agreement, welcomes the establishment of the State-level and Federation governments comprised of non-nationalist parties in Bosnia and Herzegovina for the first time since 1992, and strongly condemns both the attempt of Croatian Democratic Union of Bosnia and Herzegovina extremists to undermine legitimately elected and constitutional bodies, as well as recent violent attacks by Bosnian Croat extremists in Mostar and other places against representatives of the international community;

16. *Also notes* progress on refugee returns in Bosnia and Herzegovina, while calling upon all authorities to support actively the return process for minority refugees and internally displaced persons, especially in urban areas, *inter alia*, through the eviction of illegal occupants of housing intended for internally displaced persons and refugees, in particular in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation of Bosnia and Herzegovina with a majority population of Bosnian Croats;

17. *Condemns* the continued harassment of returning minority refugees and internally displaced persons wherever it occurs in Bosnia and Herzegovina, including the destruction of their homes and other acts designed to discourage their voluntary return;

18. *Also condemns* recurrent instances of religious discrimination and the denial to persons belonging to religious minorities of their rights to practise their faiths and rebuild religious sites in Bosnia and Herzegovina and calls upon the authorities to promote freedom of religion;

19. *Calls upon* the authorities of Bosnia and Herzegovina to implement the decisions of the High Representative, the Commission on Human Rights for Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber, the Constitutional Court of Bosnia and Herzegovina and the Commission for Real Property Claims of Refugees and Displaced Persons, as well as the recommendations of the High Representative and the International Labour Organization, to establish a fully staffed and funded judiciary which effectively protects the rights and fundamental freedoms of all citizens, to adopt an effective and fair election law in cooperation with the Organization for Security and Cooperation in Europe, to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, in particular for the apprehension of former Republika Srpska President Radovan Karadzic and former Bosnian Serb General Ratko Mladic, to promote an independent media free from political influence, to work to expand and improve the State Border Service to stem the flow of illegal immigration and trafficking in human beings, including women and children, as well as enabling the Service to identify those persons in need of protection, such as asylum-seekers and trafficked persons, and to provide them with the protection they require, to support the work of the State institutions and to implement fully the actions mandated by the Peace Implementation Council at its ministerial meeting in Brussels on 23 and 24 May 2000;

20. *Welcomes* the political change undertaken by the democratically elected Government of the Federal Republic of Yugoslavia, which shows the clear decision of the people to choose democracy, respect for human rights and fundamental freedoms and integration into the international community over dictatorship and isolation; notes legislation introduced in this area; and encourages the new authorities to continue to make progress in ensuring respect for the rule of law and for the promotion and protection of human rights and fundamental freedoms, and processes of reconciliation and regional cooperation;

21. *Also welcomes* the admission of the Federal Republic of Yugoslavia to membership in the United Nations and other international organizations, the Organization for Security and Cooperation in Europe and the Stability Pact for South-Eastern Europe;

22. *Further welcomes* the commitment of, and encourages efforts by, the new democratic Government of the Federal Republic of Yugoslavia to investigate past abuses of human rights, including violations of human rights of individuals belonging to ethnic groups in Kosovo; repression and harassment of peaceful political activists; illegal and/or hidden detentions; and other violations of human rights and fundamental freedoms;

23. *Welcomes* the commitment by the Federal Republic of Yugoslavia to implement fully, and in good faith, its obligations under the Peace Agreement and to abide by the terms of Security Council resolution 1244 (1999), and supports the cooperation of the Federal Republic of Yugoslavia with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons, to protect them and to assist their voluntary return to their homes in safety and with dignity;

24. *Calls upon* all authorities of the Federal Republic of Yugoslavia to respect the rights of all persons belonging to any of its national or ethnic, religious and linguistic minorities;

25. *Welcomes* the commitment of the Federal Republic of Yugoslavia to cooperate with the International Criminal Tribunal for the Former Yugoslavia, notes the first steps it has undertaken in this regard and urges all authorities of the Federal Republic of Yugoslavia to comply fully with their obligations to cooperate with the Tribunal, in particular concerning the apprehension and extradition of persons indicted for war crimes;

26. *Expresses its concern* at the continued detention in Serbia of political prisoners of Kosovar Albanian or other origins in violation of international human rights law and standards,

and welcomes a recently passed amnesty law to release some prisoners, but notes that these first steps are insufficient in that they do not yet address the need to release all political prisoners;

27. *Strongly condemns* extremist violence in certain municipalities in southern Serbia and welcomes the plan of the Federal and Republic Governments to resolve the crisis in these municipalities peacefully, including political and economic reform designed to reintegrate the ethnic Albanian population as full members of civil society, and calls for a rapid implementation of the plan;

28. *Welcomes* the open and democratic approach of the Montenegrin and Serbian authorities regarding the negotiations on redefined constitutional relations between the two republics, within an overall federal framework, ensuring the democratic legitimacy of the outcome, while avoiding unilateral action which could jeopardize the negotiation process and could have an impact on the enjoyment of human rights and fundamental freedoms;

29. *Urges* the Montenegrin authorities fully to respect accepted democratic norms in connection with the parliamentary elections of 22 April 2001, including respect for free media and the granting of equal access to all relevant parties at public media outlets;

30. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia and all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999 and annexed to that resolution;

31. *Reaffirms* that the human rights and humanitarian situation in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles set out in the annex to Security Council resolution 1244 (1999);

32. *Condemns* all violations of human rights in Kosovo that have affected all ethnic groups there, stresses the importance of the peaceful return, in safety and dignity, of refugees and of all displaced persons, condemns the perpetuation of violence and intimidation against ethnic minorities and other acts designed to discourage the voluntary return of displaced persons and calls upon the authorities of the Federal Republic of Yugoslavia, and all local Kosovo ethnic Serb and Albanian leaders, to provide information on the fate and the whereabouts of the high number of missing persons from Kosovo, including Serbs reported missing in Kosovo;

33. *Urges* all ethnic leaders in Kosovo to take concrete action at the community level to prevent ethnic violence, and to engage in and support efforts to create conditions for the safe, sustainable and dignified return of displaced minority communities;

34. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe, the United Nations Interim Administration Mission in Kosovo, and the Kosovo Force, stresses the urgent need for all to recognize and cooperate with the Mission and the Force in building common institutions, especially an independent and impartial judicial system, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Mission in the fulfilment of their respective mandates and to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo, including the right to freedom of opinion and non-violent expression for all points of view, *inter alia* through free, independent media, and the right to religious freedom;

35. *Calls upon* Kosovar Albanian political leaders and leaders of the Albanian community in southern Serbia publicly to condemn violence and ethnic intolerance and to use their influence to block support for extremists in southern Serbia and in The former Yugoslav Republic of Macedonia as a means to secure peace and the protection of human rights;

36. *Notes with concern* continued ethnic violence, particularly in Mitrovica, and calls for the support of the Mission strategy for Mitrovica, calls on all sides, working closely with international authorities, to end politically and ethnically related violence, urges the authorities of the Federal Republic of Yugoslavia to use their influence positively to help resolve the situation and calls for the establishment of freedom of movement in Mitrovica and enhanced security for minorities across the province;

37. *Urges* all parties in Kosovo to support and strengthen a multi-ethnic and democratic society that respects the rights of all persons belonging to minorities and that includes them in all provisional self-governing institutions in Kosovo, and to support fully the Mission in this regard, but notes with concern the ethnic Albanian violence that threatens to undermine international support for the establishment of Kosovo provisional self-government under Security Council resolution 1244 (1999);

38. *Welcomes* the progress concerning the establishment of provisional self-governing institutions and the rule of law in Kosovo, and encourages all authorities to pursue efforts aimed at the effective protection of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, through the adoption and implementation of all appropriate measures;

39. *Thanks* the Special Rapporteur for his efforts to fulfil his mandate and takes note of his report (E/CN.4/2001/47 and Add.1);

40. *Requests* the Chairperson of the Commission to appoint for one year a special representative of the Commission with a mandate to examine the situation of human rights in the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia; in reporting on the human rights situation in Kosovo, the Special Representative should:

(*a*) Consult closely with the international civilian presence, particularly representatives of the Organization for Security and Cooperation in Europe;

(*b*) Closely monitor the situation, paying particular attention to those areas that remain a source of concern, including cooperation with the International Criminal Tribunal for the Former Yugoslavia, the release of unjustly detained prisoners, including Kosovar Albanians, the identification of persons missing as a result of conflict, the protection of minorities, trafficking in persons and the right of return of refugees and internally displaced persons;

(*c*) Cooperate closely with the United Nations High Commissioner for Human Rights offices in Belgrade and Sarajevo and with her Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia to avoid duplication of effort;

41. *Requests* the Special Representative to submit an interim report on his/her findings to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session;

42. *Calls upon* all Governments and all parties to cooperate fully with the Special Representative in carrying out his/her work;

43. *Decides* to consider this matter further at its fifty-eighth session.

63rd meeting
18 April 2001
[Adopted by a roll-call vote of 41 votes to none, with 11 abstentions. See chap. IX.]

2001/30. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its previous resolutions on the realization of economic, social and cultural rights,

Taking note with interest of ongoing new efforts towards the realization of economic, social and cultural rights, and considering that to ensure the realization of these rights and the removal of obstacles thereto at all levels, additional efforts should be examined,

Taking note with interest also of the report of the workshop organized on 5 and 6 February 2001 by the Office of the United Nations High Commissioner for Human Rights and the International Commission of Jurists on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62/Add.2),

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2000/9 of 17 April 2000 (E/CN.4/2001/49), the report of the United Nations High Commissioner for Human Rights on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62 and Add.1), as well as all other relevant reports of the High Commissioner on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Notes with interest*:

(*a*) The entry into force of the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(*b*) The work carried out by the Committee on Economic, Social and Cultural Rights, including the assistance given to States parties in fulfilling their obligations through its general comments, and notes the adoption in May 2000 of General Comment No. 14 (2000) on the right

to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights) and the convening of days of general discussion, such as the one held on 27 November 2000 on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (art. 15, para. 1 (*c*), of the Covenant);

(*c*) The work of the Committee on the Rights of the Child in the promotion of the economic, social and cultural rights of children;

(*d*) Efforts of the High Commissioner within the United Nations Development Group to promote economic, social and cultural rights;

(*e*) The elaboration of training programmes in the Office of the High Commissioner to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and encourages the Office to enhance the incorporation of economic, social and cultural rights in its technical cooperation programmes;

3. *Welcomes*:

(*a*) Ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations conferences and summits, notably the World Food Summit, held in Rome in November 1996, the second United Nations Conference on Human Settlements (Habitat II), held in Istanbul in June 1996, the World Summit for Social Development, held in Copenhagen in March 1995, the Fourth World Conference on Women, held in Beijing in September 1995, the International Conference on Population and Development, held in Cairo in September 1994, the World Conference on Education for All, held in Jomtien, Thailand, in March 1990, and the World Summit for Children, held in New York in September 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights; their follow-up processes, such as the World Education Forum, held in Dakar in April 2000, the special session of the Assembly on the implementation of the World Summit for Social Development, held in June 2000, the special session of the Assembly on the implementation of the Beijing Declaration and Programme for Action adopted by the Fourth World Conference on Women, also held in June 2000; as well as forthcoming events, such as the special session of the Assembly on the achievement of the goals of the World Summit for Children, the special session of the General Assembly on the problem of the human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS),

the special session of the Assembly on the follow-up to the second United Nations Conference on Human Settlements (Habitat II) and the Third United Nations Conference on the Least Developed Countries;

(*b*) Regional initiatives to promote the further realization of economic, social and cultural rights;

4. *Reaffirms*:

(*a*) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(*b*) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(*c*) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(*d*) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(*e*) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights;

(*f*) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

5. *Calls upon* all States:

(*a*) To give full effect to economic, social and cultural rights;

(*b*) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(*c*) To consider signing and ratifying the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, and the States parties to implement them fully;

(*d*) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind, and to address this issue during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa, from 31 August to 7 September 2001;

(*e*) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(*f*) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(*g*) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries Initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, *inter alia* through the development and implementation of programmes, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(*h*) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

(*i*) To ensure access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable and marginalized groups, and to ensure that national public health strategies address the health concerns of all;

(*j*) To provide education and access to information concerning health problems in all communities, including methods of prevention and control;

6. *Calls upon* the States parties to the International Covenant on Economic, Social and Cultural Rights:

(*a*) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(*b*) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(*c*) To submit their reports to the Committee in a regular and timely manner;

(*d*) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

7. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

8. *Decides*:

(*a*) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, notably by:

(i) Enhancing its cooperation with United Nations specialized agencies, programmes and other bodies working on issues that bear upon the Covenant;

(ii) Drafting further general comments to assist and promote the further implementation by States parties of the Covenant, and making the experience gained through the examination of States parties' reports available for the benefit of all States parties;

(*b*) To encourage all United Nations specialized agencies and programmes, relevant special mechanisms of the Commission on Human Rights and other United Nations bodies, including human rights treaty bodies, whose activities bear upon economic, social and cultural

rights to enhance their cooperation and increase coordination with the Committee in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(*c*) To appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, *inter alia*, of the report of the Committee to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the Covenant, and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the Covenant;

(*d*) To encourage the High Commissioner to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share its expertise, *inter alia* through the holding of expert meetings;

(*e*) To encourage the High Commissioner to continue to ensure better support for the Committee, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(*f*) To encourage the High Commissioner to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(*g*) To support the efforts carried out by the High Commissioner to implement the proposed Programme of Action designed to enhance the ability of the Committee to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the Covenant to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

9. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report on the implementation of the present resolution.

70th meeting
20 April 2001
[Adopted without a vote. See chap. X.]

2001/46. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 2000/37 of 20 April 2000,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolution 55/103 of 4 December 2000,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof and that there is a need for effective measures to combat the problem of impunity,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court (A/CONF.183/9), come within the jurisdiction of the Court as crimes against humanity,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2001/68) pursuant to Commission resolution 2000/37 and of the replies received by the secretariat on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/2001/69 and Add.1);

2. *Stresses* the importance of the work of the Working Group and encourages it, in the execution of its mandate:

(*a*) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(*b*) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of Government replies;

(*c*) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights;

(*d*) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(*e*) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(*f*) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*g*) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(*h*) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(*i*) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-eighth session;

(*j*) To continue to formulate comments on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

3. *Deplores* the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. *Urges* the Governments concerned:

(*a*) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(*b*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*c*) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(*d*) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set appropriate settlement machinery in train with the families of those individuals;

(*e*) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. *Reminds* Governments:

(*a*) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(*b*) That they should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*c*) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(*d*) That impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof;

6. *Expresses*:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the

Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(*b*) Its satisfaction to the Governments that are investigating, or developing appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration;

8. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. *Decides* to renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances;

10. *Requests* the Working Group to report on its activities to the Commission at its fifty-eighth session;

11. *Requests* the Chairperson of the fifty-seventh session of the Commission, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance - transmitted by the Sub-Commission in its resolution 1998/25 - and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission at its fifty-eighth session and to the working group established under paragraph 12 of the present resolution at its first session;

12. *Decides* to establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, *inter alia*, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission in its resolution 1998/25, for consideration and adoption by the General Assembly;

13. *Requests* the Secretary-General:

(*a*) To ensure that the Working Group on Enforced or Involuntary Disappearances receives all the assistance and resources it requires to perform its function, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Commission regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration;

14. *Decides* to consider this matter at its fifty-eighth session under the same agenda item;

15. *Recommends* to the Economic and Social Council the adoption of the following draft decision:

[For the text, see sect. I, draft decision 3.]

73rd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/57. Human rights and indigenous issues

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter of the United Nations, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, national origin, birth or other status,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action adopted in June 1993 (A/CONF.157/23),

Recalling that the objective of the International Decade of the World's Indigenous People is the strengthening of international cooperation for the solution of the problems they face in areas such as human rights, the environment, development, education and health,

Noting with satisfaction the progress in some countries in the protection and promotion of the human rights of indigenous people,

Encouraged by the growing interest of the international community in the full and effective protection of the human rights of indigenous people,

Taking into account the mandate of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to review developments pertaining to the promotion and protection of their human rights and fundamental freedoms, giving special attention to the evolution of standards concerning their rights,

Noting with satisfaction the decision of the Economic and Social Council to establish a Permanent Forum on Indigenous Issues, as a subsidiary organ of the Council, with the mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights,

Taking into account the absence of a mechanism in the Commission with a specific mandate to protect and monitor the respect and enjoyment of the human rights and fundamental freedoms of indigenous people,

Taking particularly into account the recommendation of the Sub-Commission that the Commission appoint a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people,

Recalling its decision 2000/105 of 25 April 2000, adopted without a vote, by which it was decided to postpone the consideration of the draft resolution on the subject (E/CN.4/2000/L.63),

Bearing in mind resolution 2000/22 of the Economic and Social Council of 28 July 2000, entitled "Establishment of a Permanent Forum on Indigenous Issues",

Conscious of the situation of vulnerability in which indigenous people frequently find themselves and that in various situations they are unable to enjoy their inalienable human rights and fundamental freedoms,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people,

Determined to promote the enjoyment of their human rights and fundamental freedoms by indigenous people,

1. *Decides* to appoint, for a three-year period, a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with the following functions:

(*a*) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people themselves and their communities and organizations, on violations of their human rights and fundamental freedoms;

(*b*) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(*c*) To work in close relation with other special rapporteurs, special representatives, working groups and independent experts of the Commission and of the Sub-Commission, taking into account the request of the Commission contained in its resolution 1993/30 of 5 March 1993;

2. *Invites* the Special Rapporteur to take into account a gender perspective while in carrying out her/his mandate, paying special attention to discrimination against indigenous women;

3. *Also invites* the Special Rapporteur to pay special attention to violations of the human rights and fundamental freedoms of indigenous children;

4. *Further invites* the Special Rapporteur, in carrying out his/her task, to take into account all the recommendations of the Working Group on Indigenous Populations and of the Permanent Forum on Indigenous Issues relevant to her/his mandate;

5. *Encourages* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to give special attention to discrimination against indigenous people and requests the Special Rapporteur to consider, in performing his/her work, the recommendations of the World Conference on matters concerning his/her mandate;

6. *Also encourages* the United Nations, including its specialized agencies, other regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous people to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

7. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his/her urgent appeals;

8. *Encourages* all Governments to give serious consideration to the possibility of inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

9. *Requests* the Chairperson of the Commission, following formal consultations with the Bureau and the regional groups through the regional coordinators, to appoint as Special Rapporteur an individual of recognized international standing and experience;

10. *Requests* the Special Rapporteur to submit annual reports on his/her activities to the Commission, starting at its fifty-eighth session;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of her/his mandate;

12. *Decides* to consider the follow-up to this question, as a matter of priority, at its fifty-eighth session, under the same agenda item.

76th meeting
24 April 2001
[Adopted without a vote. See chap. XV.]

III. NARRATIVE ACCOUNT OF THE PROCEEDINGS, INCLUDING RESULTS OF VOTING

Excerpts from chapter IX of Commission draft report (E/CN.4/2001/L.10/Add.9)

"Question of the violation of human rights and fundamental freedoms in any part of the world, including:

(a) Question of human rights in Cyprus;

(b) Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3

1. The Commission considered agenda item 9 and sub-item (*a*) at its 22nd to 24th meetings, on 29 March, at its 26th meeting, on 30 March, at its 28th to 31st meetings, on 2 April, at its 39th meeting, on 5 April, at its 43rd meeting, on 6 April, at its 44th meeting, on 9 April, at its 62nd and 63rd meetings, on 18 April, and at its 68th to 70th meetings, on 20 April 2001. Item 9 (*b*) was considered by the Commission in closed session (see paras. 101-104 below).

2. For the documents issued under agenda item 9, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. At the 22nd meeting, on 29 March 2001, the following special rapporteurs introduced their reports:

(*a*) The Special Rapporteur on the situation of human rights in Afghanistan, Mr. Kamal Hossain (E/CN.4/2001/43 and Add.1);

(*b*) The Special Rapporteur on the situation of human rights in the Sudan, Mr. Gerhart Baum (E/CN.4/2001/48).

4. At the 23rd meeting, on 29 March 2001, the United Nations High Commissioner for Human Rights, Ms. Mary Robinson, introduced her report on the situation in the Republic of Chechnya of the Russian Federation (E/CN.4/2001/36).

5. Also at the 23rd meeting:

(*a*) The Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne, introduced his report (E/CN.4/2001/39);

(*b*) The Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Jiri Dienstbier, introduced his report (E/CN.4/2001/47 and Add.1);

(*c*) The Special Rapporteur on the situation of human rights in Burundi, Ms. Marie-Thérèse Kéita-Bocoum, introduced her report (E/CN.4/2001/44);

(*d*) The Special Representative of the Commission on the situation of human rights in Rwanda, Mr. Michel Moussalli, introduced his report (E/CN.4/2001/45 and Add.1 and Corr.1);

(*e*) The Special Rapporteur on the situation of human rights in Iraq, Mr. Andreas Mavrommatis, introduced his report (E/CN.4/2001/42).

6. At the 28th meeting, on 2 April 2001, the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón, introduced his report (E/CN.4/2001/40 and Add.1). At the 29th meeting, on the same day, the Special Rapporteur made his concluding remarks.

7. At the 29th meeting, on 2 April 2001, the Special Representative of the Commission on the situation of human rights in Equatorial Guinea, Mr. Gustavo Gallón, introduced his report (E/CN.4/2001/38).

8. At the 39th meeting, on 5 April 2001, Mr. Sergio Vieira de Mello, Special Representative of the Secretary-General to East Timor and Transnational Administrator, made a statement.

9. At the 43rd meeting, on 6 April 2001, Mr. Paulo Sérgio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar, made a statement.

10. In the general debate on agenda item 9, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

...

The situation of human rights in parts of south-eastern Europe

25. Also at the 63rd meeting, the representative of the United States of America introduced draft resolution E/CN.4/2001/L.17, sponsored by Albania, Austria, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Cyprus, the Czech Republic, France, Japan, New Zealand, Norway, Pakistan, Switzerland and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

26. A statement in connection with the draft resolution was made by the observer for Yugoslavia.

27. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

28. Statements in explanation of vote before the vote were made by the representatives of China and the Russian Federation.

29. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution, which was adopted by 41 votes to none, with 11 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Belgium, Brazil, Burundi, Canada, Colombia, Costa Rica, Czech Republic, Ecuador, France, Germany, Guatemala, Indonesia, Italy, Japan, Kenya, Latvia, Liberia, Malaysia, Mauritius, Mexico, Niger, Norway, Pakistan, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, South Africa, Spain, Swaziland, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America, Venezuela.

Against: None.

Abstaining: Cameroon, China, Cuba, India, Libyan Arab Jamahiriya, Madagascar, Nigeria, Russian Federation, Syrian Arab Republic, Viet Nam, Zambia.

30. For the text of the resolution as adopted, see chapter II, section A, resolution 2001/12.

..."

Excerpts from chapter X of Commission draft report (E/CN.4/2001/L.10/Add.10)

"Economic, social and cultural rights

1. The Commission considered agenda item 10 at its 31st to 36th meetings, from 2 to 4 April, at its 70th meeting, on 20 April, and at its 71st meeting, on 23 April 2001.

2. For the documents issued under agenda item 10, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. At the 32nd meeting, on 3 April 2001:

(a) The Special Rapporteur on the right to education, Ms. Katarina Tomasevski, introduced her report (E/CN.4/2001/52);

(b) The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Ms. Fatma Zohra Ouhachi-Vesely, introduced her report (E/CN.4/2001/55 and Add.1). At the 36th meeting, on 4 April 2001, the Special Rapporteur made her concluding remarks;

(c) The Special Rapporteur on the right to food, Mr. Jean Ziegler, introduced his report (E/CN.4/2001/53). At the 35th meeting, on 4 April 2001, the Special Rapporteur made his concluding remarks;

(d) The independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, in particular economic, social and cultural rights, Mr. Fantu Cheru, introduced his report (E/CN.4/2001/56). At the 36th meeting, on 4 April 2001, the independent expert made his concluding remarks;

(e) The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, introduced his report (E/CN.4/2001/51). At the 36th meeting, on 4 April 2001, the Special Rapporteur made his concluding remarks.

4. At the 33rd meeting, on 3 April 2001, the independent expert on human rights and extreme poverty, Ms. Anne-Marie Lizin, introduced her report (E/CN.4/2001/54 and Corr.1 and Add.1 and Corr.1). At the 35th meeting, on 4 April 2001, the independent expert made her concluding remarks.

5. In the general debate on agenda item 10, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

...

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

25. Also at the 70th meeting, the representative of Portugal introduced draft resolution E/CN.4/2001/L.42, sponsored by Angola, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Denmark, the Dominican Republic, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Madagascar, Mexico, the Netherlands, Norway, Paraguay, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain and Switzerland. Albania, Brazil, Burundi, Cameroon, Chile, Croatia, the Czech Republic, Ecuador, Guatemala, Malta, Mongolia, Morocco, Nicaragua, Panama, the Russian Federation, the former Yugoslav Republic of Macedonia, Tunisia and Ukraine subsequently joined the sponsors.

26. Statements in connection with the draft resolution were made by the representatives of Cuba, Portugal and the United States of America.

27. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

28. The representative of the United States of America requested a separate vote on paragraph 8 *(c)* of the draft resolution. At the request of the representative of Cuba, a roll-call vote was taken on paragraph 8 *(c)*, which was retained by 44 votes to 2, with 7 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, Canada, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Italy, Japan, Kenya, Latvia, Liberia, Madagascar, Mauritius, Mexico, Niger, Nigeria, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Swaziland, Syrian Arab Republic, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Saudi Arabia, United States of America.

Abstaining: China, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Pakistan, Qatar.

29. Statements in explanation of vote after the vote were made by the representatives of India and Japan.

30. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2001/30.

..."

Excerpts from chapter XI of Commission draft report (E/CN.4/2001/L.10/Add.11)

"Civil and political rights, including the questions of:

(*a*) Torture and detention;

(*b*) Disappearances and summary executions;

(*c*) Freedom of expression;

(*d*) Independence of the judiciary, administration of justice, impunity;

(*e*) Religious intolerance;

(*f*) States of emergency;

(*g*) Conscientious objection to military service

1. The Commission considered agenda item 11 at its 36th to 43rd meetings, from 4 to 6 April, at its 44th meeting, on 9 April, at its 50th meeting, on 11 April, at its 71st to 73rd meetings, on 23 April, at its 75th meeting, on 24 April, and at its 77th meeting, on 25 April 2001.

2. For the documents issued under agenda item 11, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. At the 36th meeting, on 4 April 2001:

(*a*) The Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Mr. Kapil Sibal, introduced the report of the Working Group (E/CN.4/2001/14 and Add.1);

(*b*) The Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, introduced her report (E/CN.4/2001/9 and Add.1-2);

(*c*) The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/2001/64 and Add.1);

(*d*) Mr. Ivan Tosevski, in his capacity as a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, presented the updated information of the Board (E/CN.4/2001/59 and Corr.1 and Add.1);

(*e*) A statement was read out by a member of the secretariat on behalf of Ms. Elizabeth Odio Benito, Chairperson-Rapporteur of the open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on its ninth session, in connection with the working group's report (E/CN.4/2001/67).

4. At the 39th meeting, on 5 April 2001:

(*a*) The Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/2001/65 and Add.1-3);

(*b*) The Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, introduced the report of the Working Group (E/CN.4/2001/68);

(*c*) The Special Rapporteur on the question of torture, Sir Nigel Rodley, introduced his report (E/CN.4/2001/66 and Add.1). At the 43rd meeting, on 6 April 2001, Sir Nigel Rodley made his concluding remarks.

5. At the 44th meeting, on 9 April 2001, the Special Rapporteur on the question of religious intolerance, Mr. Abdelfattah Amor, presented his report (E/CN.4/2001/63). At the same meeting, Mr. Amor made his concluding remarks.

6. At the 50th meeting, on 11 April 2001, the Special Rapporteur on the question of torture, Sir Nigel Rodley, introduced his report on a mission (E/CN.4/2001/66/Add.2).

7. In the general debate on agenda item 11, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

...

Question of enforced or involuntary disappearances

67. Also at the 73rd meeting, the representative of France introduced draft resolution E/CN.4/2001/L.57, sponsored by Argentina, Chile, Cuba, France, Hungary, Iceland, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Poland, Portugal, Slovakia, Spain, Switzerland and Uruguay. Albania, Austria, Belarus, Belgium, Brazil, Bulgaria, Cameroon, Costa Rica, Cyprus, Denmark, Ecuador, Finland, Georgia, Germany, Greece, Guatemala, Italy, Latvia, Madagascar, the Netherlands, Nicaragua, Norway, the Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, Senegal, Slovenia, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and Venezuela subsequently joined the sponsors.

68. The representative of France orally revised the draft resolution by replacing operative paragraphs 11 and 12 by two new paragraphs.

69. Statements in connection with the draft resolution were made by the representatives of Argentina, Canada, Cuba, France, India, Japan, the Libyan Arab Jamahiriya, Mexico (on behalf of the Group of Latin American and Caribbean States), South Africa, the United States of America and Uruguay.

70. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

71. A statement in explanation of vote before the vote was made by the representative of Canada.

72. The representative of the United States of America proposed to delete new operative paragraph 12 of draft resolution E/CN.4/2001/L.57. At the request of the representative of Mexico, a roll-call vote was taken on the proposal of the representative of the United States of America, which was rejected by 4 votes to 34, with 15 abstentions. The voting was as follows:

In favour: India, Japan, Malaysia, the United States of America.

Against: Argentina, Belgium, Brazil, Burundi, Cameroon, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Italy, Latvia, Madagascar, Mauritius, Mexico, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Swaziland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia.

Abstaining: Algeria, Canada, China, Indonesia, Kenya, Liberia, Libyan Arab Jamahiriya, Niger, Nigeria, Pakistan, Qatar, Saudi Arabia, Syrian Arab Republic, Thailand, Viet Nam.

73. The representative of the United States of America proposed to delete the words "and to the first session of the working group established under paragraph 12" of new operative paragraph 11 of draft resolution E/CN.4/2001/L.57. At the request of the representative of Mexico, a roll-call vote was taken on the proposal of the representative of the United States of America, which was rejected by 5 votes to 37, with 11 abstentions. The voting was as follows:

In favour: Canada, India, Japan, Kenya, United States of America.

Against: Argentina, Belgium, Brazil, Burundi, Cameroon, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Italy, Latvia, Madagascar, Mauritius, Mexico, Niger, Norway, Pakistan, Peru, Poland, Portugal,

Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Swaziland, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia.

Abstaining: Algeria, China, Indonesia, Liberia, Libyan Arab Jamahiriya, Malaysia, Nigeria, Qatar, Saudi Arabia, Syrian Arab Republic, Viet Nam.

74. Statements in explanation of vote after the vote were made by the representatives of India, the Libyan Arab Jamahiriya and Pakistan.

75. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2001/46.

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Excerpts from chapter XV of Commission draft report (E/CN.4/2001/L.10/Add.15)

"Indigenous issues

1. The Commission considered agenda item 15 at its 57th meeting, on 12 April, at its 58th meeting, on 17 April, and at its 76th meeting, on 24 April 2001.

2. For the documents issued under agenda item 15, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. At the 57th meeting, on 12 April 2001, the Chairperson-Rapporteur of the Working Group on a draft United Nations declaration on the rights of indigenous peoples, Mr. Luis Enrique Chávez, introduced the report of the Working Group (E/CN.4/2001/85).

4. At the same meeting, Ms. Tove S. Petersen, in her capacity as a member of both the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations and of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People, made statements on behalf of the Chairpersons of the two Funds.

5. In the general debate on agenda item 15, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

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Human rights and indigenous issues

6. At the 76th meeting, on 24 April 2001, the representative of Mexico introduced draft resolution E/CN.4/2001/L.63, sponsored by Armenia, Belgium, Costa Rica, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Estonia, Finland,

Germany, Greece, Guatemala, Italy, Mexico, the Netherlands, Norway, Panama, Peru, Romania, Rwanda, South Africa, Spain, Sweden and Switzerland. Algeria, Argentina, Burundi, Cameroon, Cyprus, France, Luxembourg and Portugal subsequently joined the sponsors.

7. Statements in connection with the draft resolution were made by the representatives of Canada (also on behalf of New Zealand) and the Russian Federation.

8. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

9. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2001/57.

10. After the adoption of the resolution, the representative of India made a statement in explanation of the position of States members of the Asian Group that are members of the Commission on Human Rights (China, India, Indonesia, Japan, Malaysia, Pakistan, Qatar, the Republic of Korea, Saudi Arabia, the Syrian Arab Republic, Thailand and Viet Nam). The representative of the United States of America also made a statement in explanation of his delegation's position (also on behalf of Australia).

..."

IV. ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SEVENTH SESSION*

1. At its fifty-seventh session, the Commission on Human Rights adopted 82 resolutions and 19 decisions.

2. A number of resolutions and decisions relate to mandates that do not involve substantive costs or for which provisions have been made in the programme budget for the biennium 2000-2001.

3. Before taking a decision on those resolutions and decisions involving programme budget implications, in accordance with regulation 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions.

4. The resolutions and decisions of the Commission which were subject to oral statements concerned activities of a perennial nature. Provisions have already been included in the programme budget for the biennium 2000-2001 and in the proposed programme budget for the biennium 2002-2003 for activities of this nature. Hence, no additional appropriations would be required as a result of the adoption of these resolutions and decisions.

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* The text of these administrative and programme budget implications will be reproduced in its final, edited form as annex IV to the final report of the Commission on Human Rights on its fifty-seventh session.